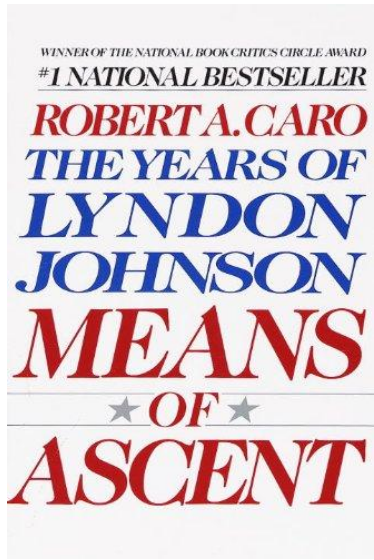




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Means of Ascent: The Years of Lyndon Johnson II

van Robert A. Caro

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He had been a Congressman, beginning in 1937, for eleven years, and for eleven years he had voted against every civil rights bill—against not only legislation aimed at ending the poll tax and segregation in the armed services but even against legislation aimed at ending lynching: a one hundred percent record. Running for the Senate in 1948, he had assailed President Truman’s entire civil rights program (“an effort to set up a police state”). In the Senate, his maiden speech had been the lead-off address in a Southern filibuster against an attempt to impose cloture on debate and thus make passage of civil rights legislation possible. “We of the South,” Lyndon Johnson had said, know that “cloture is the deadliest weapon” against the rights of a minority such as the South, and he, he had made clear, was part of that minority. At the conclusion of his eloquent, closely reasoned, ninety-minute-long defense of the filibuster, the Southern Senators, many aging now, had lined up at Lyndon Johnson’s desk to congratulate this new recruit to their cause. The first person in line had been the Southerners’ patriarch and leader, Richard Brevard Russell of Georgia, who later told reporters that Johnson’s

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In other areas of domestic social welfare as well, Johnson rammed to passage laws of which liberals had dreamed for decades: sixty separate education laws for the young and the poor; legislation that provided medical care for the aged and the poor. His “War on Poverty” was not crowned with triumph like his war on prejudice. Many of the laws he rushed through Congress in such unprecedented numbers—in a frenzy of legislation—as if, it sometimes seemed, he equated speed and quantity with accomplishment, were inadequately thought through, flawed, contradictory, not infrequently exacerbating, at immense cost, the evils they were intended to correct. But his very declaration of that war was a reminder—as was his overall concept of a “Great Society”—of government’s responsibility to do more than stand idly by without at least attempting to strike blows against ignorance and disease and want. The presidency of Lyndon Johnson marked the legislative realization of many of the liberal aspirations of the twentieth century: in storming, on behalf of those laws, long-held bastions of congressional hostility to social-welfare programs, he used the power of the presidency for purposes as noble as any in American history.

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They were present in the President's discussions of the budget, of politics, of appointments—even of trip schedules. "Distrust of the President," as Theodore H. White put it, "was slow in growing." But the duplicities continued and multiplied; "thus, men paid attention to what he said and began to check his statements." And when they did, they found that the President lied—lied about big matters and small, lied not only about policy but about personal matters; his most publicized such misstatement, that his great-grandfather "died at the Alamo," although his great-grandparents had not arrived in Texas until years after the Alamo had fallen, was only one of many misleading remarks about his personal history. A new phrase—"Credibility Gap"—entered American political dialogue. It was printed in headlines, and on buttons, even on buttons pinned to flak jackets; men who had been sent to Vietnam on Lyndon Johnson's orders went into action wearing a button—"Ambushed at Credibility Gap"—that called their Commander-in-Chief a liar. Television made the deceptions more evident, the truth more vivid. To avoid debate in Congress, debate which might have revealed the scope and intent of his conduct of the war, troops were raised by increasing the draft quotas each month administratively

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, without calling up the reserves; and the costs of the war were buried, as much as possible, in the Pentagon budget. But Americans could watch, night after night on the newscasts, American boys hacking their way through the jungles or reloading in the tall grass. The viewers would hear the muffled explosions, and the voice-over would tell them it was mortar fire, and the picture would bounce as the cameraman ran for cover. Viewers could see what napalm looked like, as the flames spread out—and they could see what the flames did to human flesh, to civilians as well as to soldiers. A mood of disillusionment, disillusionment and rage, spread through America, a mood symbolized by "that horrible song."

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Without the lure of new, greater power, the power he possessed was meaningless to him. Lyndon Johnson's interest in governmental accomplishment will return, dramatically, later. Here, in the years covered by this book, it scarcely exists at all. These seven years are years in which Johnson was all but totally consumed by his need for power, and by his efforts to obtain it. So in this volume can be seen—stark and unadorned—the traits which were later to divide a nation.

THESE YEARS include the genesis of Lyndon Johnson's fortune. He had always wanted money, but so long as the path to political power lay open before him, the other desire had been deferred. Now, with that path closed—perhaps forever—the deferring was over. He grabbed for money as greedily as he had grabbed for power, and his financial rise was as rapid and spectacular as his political rise had been. At the close of the first volume of this biography, Lyndon Johnson had less than a thousand dollars in the bank. By the end of this volume, he is telling intimates that he is worth a million, a substantial fortune at the time. That growth, too, will continue, as the story continues. When, in 1963, Lyndon Johnson became President, his “family's” assets totaled perhaps \$20 million. This son of an impoverished father from the impoverished Texas Hill Country, who for most of his life had no stated sources of income except his governmental salary, entered the Oval Office as possibly the richest man ever to occupy it. But in this volume, in which we see Johnson almost twenty years before he became President, we can focus on the most significant aspect of his accumulation of wealth. The dimensions are small in relation to the wealth to come, and only a single entity—a radio station—is involved, while later that one station will become a radio and television (and banking and land and cattle) empire. So here we can pursue, in detail and without complication, a subject that has been endlessly discussed but little understood, at least partly because of the dearth of detailed information: the role and significance of favoritism and influence in a democratic government. The birth and early years of the Johnson financial empire illuminate very clearly the subtle means by which favoritism and influence are exercised, and their effect on other individuals and on the body politic as a whole.

When he did leave, he went with an entourage—his wife, who had brought along a portable typewriter so that she could type his letters; his administrative assistant, John Connally, who had enlisted in the Naval Reserve; and his old college friend and NYA subordinate, Willard Deason, who had been installed in a strategic post with the Bureau of Naval Personnel. And he arranged for billets for his troops in one of Los Angeles' best hotels. On January 2, 1942, he wrote Tom Clark, then an Assistant United States Attorney General in Los Angeles, “Will probably get out to Los Angeles the latter part of next week.... Will you put your Jew clothes on and contact Town House Hotel and tell them you have a couple of ‘desperadoes’ coming in that want a good rate on a double room.” Arriving on the West Coast—to be greeted by a note from Roosevelt of thanks for the turkey and not a word about the reminder—the group traveled to shipyards in San Diego and San Francisco, with Lady Bird spending the days visiting “art galleries and all.”

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One prominent aspect of Lyndon Johnson's makeup, particularly notable because of the rough-and-tumble world in which he had been raised, was his attitude toward physical danger, real or imagined. To Johnson City boys, wrestling and fistfights were normal parts of growing up. Lyndon Johnson had displayed a conspicuous hesitancy and timidity at participating in these activities, or at riding an unruly horse or diving from a not very high bank into the Pedernales River—at any of the routine roughhousing of youth. And at college, if a fellow student, antagonized by him, approached him to fight, Johnson would immediately, without a single gesture of resistance, fall back on a bed and kick his feet in the air with a frantic windmilling motion to keep his foe away, while yelling, "If you hit me, I'll kick you! If you hit me, I'll kick you!"—a scene which astonished other students, one of whom says: "Every kid in the State of Texas had fights then, but he wouldn't fight. He was an absolute physical coward." Whether or not this view, widespread among his fellow students, is correct, certainly Lyndon Johnson had never been casual about his physical well-being; on the contrary, he had always been unusually anxious to avoid even the slightest exposure to violence, danger or risk. Never, in any physical encounter, had he conspicuously displayed courage. But if courage was needed now, it would be there. Lyndon Johnson was in a combat zone now, but he was in it only as an observer, not as a combatant. Yet recall by the President was imminent; he was never going to be "in the trenches" or "on a battleship"; this trip as an observer was to be his only direct participation in the war. And if he was never going to be a combatant, if the closest he could get to fulfilling his campaign promise, the only means now left to him of protecting his "political future," was to see combat—then he was going to see it.

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Between 1940 and 1942, however, Edwin W. Pauley, a burly, loquacious one-time oil-field roustabout who had become a successful California wildcatter, had emerged as a Democratic fund-raising force. His success in obtaining campaign contributions for the Democratic National Committee in 1940 had led Democratic National Chairman Edward J. Flynn, Boss of the Bronx and a longtime Roosevelt intimate, to name him the party's secretary, and in 1942, the President, impressed with him, appointed him treasurer. By October, journalists were referring to the oilman's fund-raising activities as "the great hot spell," for, as one wrote, "he turned on the heat to a degree that left many rich gentlemen permanently scorched," and succeeded in lifting the party out of debt. Antagonized by Johnson's aggressiveness—Johnson had been given only an informal post with the Congressional Campaign Committee in 1940 because of Flynn's objection to any formal connection—Flynn was not anxious to see him play even an informal role in the 1942 congressional campaigns. More to the point, because of Pauley's emergence, Johnson was no longer needed. His ace in the hole had been the fact that only he possessed access to the Texas oilmen; when, in 1940, Flynn had attempted to circumvent him and obtain their contributions himself, they had refused to contribute except through Johnson. Because of their common interests—and, in some cases, business ties—Pauley had access to the same money. When, in 1942, Flynn solicited Texas contributions, there was some reluctance—Brown & Root and liberal businessmen such as Stanley Marcus of the Neiman-Marcus department store refused to give except through Johnson—but when it was explained that handling all contributions through the National Committee would be more efficient, most of the big Texas contributors followed Flynn's suggestion.

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Following this debacle, Lyndon Johnson did not make another speech in the House during the rest of the war. He did not introduce another bill. He had little to do with the workings of Congress. And whereas before the war, Johnson had been a dynamic and effective Congressman in improving the lives of his constituents through rural electrification and other public-works projects, wartime shortages of materials now brought such projects to a virtual halt. Work for the Tenth District was largely limited to servicing the requests of individual constituents, and for the duration of the war, increasingly this work was carried on not by Lyndon Johnson but by his staff. His political acumen and energy were, for the duration, no longer used for politics. They were used for making money. 1

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offered, Johnson would leap at it. But when the offer came, it was declined. During a vacation with Johnson and Brown at the Greenbrier Hotel in West Virginia in the autumn of 1940, Marsh, wanting to free Johnson from financial worries, offered to let the young Congressman purchase his share in a partnership with oilman Sid Richardson without a down payment, paying for it out of subsequent earnings. Johnson understood that the offer was worth at least three quarters of a million dollars, but after weighing it for a week, he declined with thanks, politely but firmly. I can't be an oilman, he said; if the public knew I had oil interests, "it would kill me politically." Brown and Marsh had thought they had measured Johnson's political ambitions, had thought measuring them was easy, for Johnson was always talking about how he wanted to stay in Congress until a Senate seat opened up, and then run for the Senate, about how that Senate seat was his ultimate goal in politics. Never had he mentioned any other office, nor did he mention one during that week at the Greenbrier. But since being an oilman couldn't hurt him in his safe congressional district, or in a Senate race in oil-dominated Texas—since there was only one office for which he would be "killed" by being an "oilman"—after that week Brown and Marsh realized what Johnson really wanted, and how much he wanted it. Money and power—he wanted both. But the depth of his need for one was as nothing compared with the depth of his need for the other.

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But conditions could be changed, and changed quickly. For the restrictions on KTBC were, after all, restrictions that had been imposed by government. Lyndon Johnson had already learned, in obtaining lucrative “change orders” for Brown & Root on its Marshall Ford Dam contract, how easy it was to alter conditions imposed by government. Walker, Stuart and Anderson (and James G. Ulmer, a Yale graduate and radio entrepreneur who owned several Texas radio stations, and who had been given some form of interest in KTBC in return for his managerial expertise) wanted to change the severe restrictions on its operations; the reasons for KTBC’s problems, Walker would say, were simply that “we did not have a network affiliation and we couldn’t operate at night”; Ulmer was later to say that he had “completed all the engineering” data necessary for a contemplated application to the FCC for a change to a lower frequency and longer hours, but ran into more FCC delays unrelated to that change. And when, in frustration, the three owners tried to sell the station, they found that the FCC wouldn’t even let them do that. In December, 1939, their “State Capital Broadcasting Association” had given an option to J. M. West, a wealthy oilman, rancher and publisher of the Austin Tribune, to purchase KTBC for \$50,000, contingent on the required FCC approval of the transfer of the station’s license to him. But in February, 1940, the FCC replied to the transfer application by revoking KTBC’s license, stating that it had learned that Ulmer had a “hidden interest” in the station. The three owners responded that the FCC was mistaken, that Ulmer’s interest did not extend to stock ownership. Wanting to make the point moot, however, since their only interest in the station now was to sell it, within a month, on March 25, 1940, they made arrangements that would “eliminate any monetary profit of any kind to which ... Dr. Jas. G. Ulmer might ever become entitled to from the proceeds of the sale of said capital stock,” although he would continue to manage the station. They then agreed to sell KTBC to West for \$20,000—plus \$12,000 to cover the station’s debts at the time. Confident that they had certainly met any conceivable objection to the sale, the three owners again asked the FCC to permit the change of ownership.

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During the Johnson Presidency, a number of reporters attempted to probe the Johnson empire. But their efforts were hamstrung by inadequate access to Johnson family financial records (which continues today), and by the reticence of KTBC employees, Johnson political aides, FCC commissioners and staff members and Austin businessmen; members of all these groups have become dramatically more candid in recent years. Moreover, during the 1960s journalists did not have access to memoranda and letters that can be found today scattered through a score of different files in the Lyndon Baines Johnson Library in Austin. Despite these obstacles, during the Johnson Presidency the enterprise of a handful of journalists—most notably ground-breaking efforts by Louis M. Kohlmeier, of the Wall Street Journal, John Barron, of the Washington Star, and William Lambert and Keith Wheeler, of Life—raised doubts about Johnson’s assertions. But as Johnson responded to their articles with his own estimates of his assets, estimates far lower than theirs, and with forceful reemphasis of his assertions, his estimates and assertions were often repeated without much analysis by the bulk of the press, and the findings in the few pioneering articles became blurred in the public consciousness. In an “exclusive” article, one typical of the prevailing tone of press coverage, U.S. News & World Report stated in May, 1964: “This is a success which Mrs. Johnson scored on her own, while her husband was deeply involved in affairs of the House and Senate.”

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Johnson also had at his command a weapon much more blunt than Tommy the Cork—and much more powerful. Sam Rayburn was as much a symbol of integrity in Washington as Corcoran was a symbol of the use of influence. Johnson was able to use Rayburn’s name—feared throughout the capital—even though Rayburn might not be aware it was being used. While radio stations were regulated by the FCC, the FCC was itself regulated—by Congress, which gave regulatory agencies their money and their powers. “The antennae of most commissioners,” it would be written, “are sensitive to the faintest signals from Capitol Hill....” At no agency was this sensitivity more acute than at the FCC. “Of all the watchdogs,” Drew Pearson and Jack Anderson were to write, “the FCC seems the most eager to sit up and beg or roll over and play dead at the command of Congress.” If the commissioners’ antennae were sensitive to signals from congressmen, the antennae of Commission staffers were sensitive to the relay of such signals from the commissioners. Albert A. Evangelista, who during the 1940s, as an engineer in the FCC’s Standard Broadcast Division, handled preliminary applications for radio station licenses, says that the process “was different when a congressman intervened.” When a congressman contacted a commissioner about an application from a favored constituent, the commissioner would “route it to the right department.” “If it was ‘congressional,’ it would get priority,” Evangelista recalls. “When we got referrals from a congressman, that was something I had to work on right away.” James E. Barr, who in 1943 was a senior engineer in the FCC’s Standard Broadcast Division, says: “What you were afraid of was that” if you did not act favorably or fast enough on an application in which a congressman was interested, the congressman “would call a commissioner, and the commissioner would call and say, ‘Put ’em on the air.’ There was a lot more political influence in those early days.”

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WHATEVER THE EXPLANATION, the shift in the FCC's attitude toward KTBC was dramatic after Lady Bird Johnson submitted her application to purchase the station. The five years during which the original owners had been dealing with the FCC had been five years of delays and red tape, or delays and unfavorable rulings—of slowness in every aspect of the bureaucratic process. From the moment the owners agreed to sell to Mrs. Johnson, red tape vanished, all rulings were favorable—and slowness was replaced by speed. The speed was evident not only in the fact that her application to purchase KTBC, submitted to the FCC on January 23, 1943, was approved on February 16, 1943—in just over three weeks.

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Also angry was Elliott Roosevelt, the President's son, who had gone into the radio business in Texas in partnership with oilman Sid Richardson. (Elliott's relationship with his father was strained at this time and he was receiving no help from the White House with his radio interests.) On August 31, 1943, after having lunch with Elliott, John Connally reported to Johnson that an angry Elliott had said during the lunch that "there was a controversy when KTBC got nighttime operations ... but that Mr. Johnson had the skids greased with the commission."

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Mr. Johnson flew up to New York, where he called on William S. Paley, the president of the CBS radio network, and asked for a CBS affiliation, which would allow KTBC to carry the network's famous, nationally known shows, on which advertisers would be more eager to purchase time than on local shows, and for which higher rates could be charged. The affiliation was vital to KTBC, and Johnson knew it. "This is life and death to us," he wrote a former aide, Gene Latimer. At the time of his visit to Paley, the Federal Communications Commission was determinedly attempting to reduce the networks' control of independent stations, and Paley was leading an almost frantic fight to persuade Congress to reduce the FCC's authority over them by amending the law—Sam Rayburn's law—that had established the Commission. This was only the latest in a series of running battles between the networks and the FCC—battles in which the networks were continually appealing to Congress for help. Did the fact that this applicant for an affiliation was a congressman—"Sam Rayburn's boy"—have anything to do with CBS's decision in the matter? Paley and Frank Stanton were to cast the story in folksy terms. Paley would tell David Halberstam that Johnson had simply appeared in his office one day without an appointment; his secretary had come in to see him, Paley said, and "announced that there was a very tall Texan waiting out there in a big hat and boots who said he was a congressman." Paley went out to meet him, and the Texan, according to Paley, had said, " 'Mister Paley, I have this here ticket for a 250-watt [sic] station in Austin and I'd like to join as a CBS affiliate.' " Paley had sent the tall Texan to Frank Stanton, CBS director of research, who also handled some affiliate matters. Stanton says he looked at a map, found there was room for an affiliated station in Austin, and gave Johnson the affiliation. Journalists may have regarded this story skeptically, but they felt they could not disprove it. In fact, however, it is possible to know what would have happened if a noncongressional station owner in Austin had applied for a CBS affiliation—for a noncongressional station owner had applied; had applied, in fact, several times. The other Austin radio station, KNOW, had been energetically attempting for years to secure a CBS affiliation. Every attempt had been rejected by CBS because the network already had an affiliate, KTSA in San Antonio, which could be heard in Austin.

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The backers who had arranged for money to be contributed to his political campaigns now arranged for money to be contributed to his radio station. Herman Brown gave him some advertisers. Johnson told Harfield Weedin to go to the Houston offices of the American General Insurance Company, which had most of Brown & Root's insurance business, and American General's president, Gus Wortham, purchased fifteen minutes of airtime every night. Why did Wortham advertise on KTBC? "We twisted his arm," George Brown was to recall years later, with a smile. The New York attorney Ed Weisl, Sr., the chief financier of Johnson's campaign-funding efforts in the Northeast, who was powerful in both political and entertainment circles, gave him some advertisers. The Interstate Theater Chain, for example, bought fifteen minutes a night.

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election fraud—and made the charges stick.) By 1941, with Brown & Root's money behind him, as well as the money of two other clients, Lone Star Gas and the Humble Oil Company, Wirtz was so important a supplier of the commodity prized by Valley politicians that they had to make pilgrimages to his hometown northeast of San Antonio. Recalls one of them: "He [Wirtz] would never mix and mingle with us down here. We'd have to go up to Seguin to see him. He was very powerful." At a crucial stage in the 1941 negotiations, moreover, Johnson himself had telephoned the Duke of Duval. In 1940, in the seven rural South Texas counties controlled by Parr, O'Daniel had received 95 percent of the vote; in 1941, O'Daniel received 5 percent of the vote, there was a scattering of votes for other candidates and Johnson received more than 90 percent of the vote.

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AND HE TALKED about his opponent. He had emerged from the hospital determined to try to destroy Coke Stevenson's reputation, and he had been concentrating on doing so in his formal speeches, with attacks that had been growing steadily more personal. He kept calling his sixty-year-old opponent "an old man." Stevenson had retired to his ranch, Johnson said, and the only reason he was running for the Senate was that he had discovered that Senators were paid \$15,000 a year. Stevenson wasn't planning to do any work for that money, just collect it as if it were a pension, Johnson said. "I am not for the fifteen thousand dollar pension you'll be giving this old man if you elect him." And then, somewhere near the end of June, Lyndon Johnson changed his mode of attack—in a stroke of pure political genius. Washington had learned of Lyndon Johnson's gift for mimicry, of the accuracy with which he could capture a man's traits and imitate and exaggerate them in a devastating form of mockery. Now he began to use that gift in the small towns of Texas on the man who had for so many years been a hero in those towns. The people's very familiarity with the former Governor, and with his well-known mannerisms and phrases, made him a good target. Johnson's mimicry took the form of an interview in which he played two parts: a reporter and Stevenson. First, playing the reporter, he asked a question—"What are your views on federal aid to education?" perhaps. Then, taking a step away, he turned, as if facing the reporter, and played Stevenson. Out and up came Lyndon Johnson's jaw in an imitation of Coke's. His hands went to his hips, in the former Governor's habitual stance when answering questions. And he rocked back and forth on his heels as Stevenson did while thinking, and paused for a while before answering. "Ah believe in constitutional government," he finally said. "Are you for or against the seventy-group Air Force?" the "reporter" would ask. Jaw; hands; rocking—in flawless imitation. The long pause which had given "Coffee-Coolin' Coke" his nickname. Finally: "Ah believe in constitutional government."

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Did the Johnson campaign buy more than missionaries? At this crucial moment, according to men in both camps, Brown & Root swung into action in East Texas with local subcontractors. The power of small-town banks, on which local farmers are continuously dependent not only for mortgages (and for refinancing of mortgages if they have had a bad year) but for annual crop loans and loans to purchase seed, was mobilized. Federal agencies with whom Johnson had influence—the Rural Electrification Administration, in particular—used their influence in East Texas. And were more direct payments being made? Ed Clark, raised in San Augustine and still owner of a home there, was asked in later years how Johnson did so well in San Augustine, and throughout East Texas; Clark, forthcoming on other points, will not discuss his home county. For reply, he only raised a big hand and rubbed his thumb and forefinger together. Forty years later, Ernest Boyett still vividly remembers his shock when he began contacting East Texas political leaders whose support of Coke Stevenson he had considered certain. “Almost the first two I contacted—and they were key men—said to me that they couldn’t support Coke this time. I was so startled that words failed me. They had supported the Old Man for years. But they said that they had been offered a thousand dollars each to switch to Johnson. A thousand dollars was a great deal of money for them. I remember one of them saying that he was getting older, and he had to leave something for his wife. Well, what could I say to that? They said they still believed in Coke, but that they would be throwing their weight to Lyndon.” Into Stevenson’s headquarters poured similar reports. Boyett recalls his thoughts: “My God! They’re stealing East Texas!”

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ASSIDUOUSLY though he had, for years, privately cultivated Texas’ wealthy reactionaries, Lyndon Johnson had always sought—for strategic reasons, it was true, but nonetheless he had sought—to preserve a measure of independence in his dealings with them. While he had run their errands and accepted their cash, he had kept a little distance between himself and them, partly because he never wanted to be allied completely with any position, partly so that he could claim to the Washington liberals that he was liberal at heart. But now this was to change. The reactionaries’ alliance with Coke Stevenson had always been tenuous; the former Governor, although in agreement on ideology, had always been too independent for their taste, too proud, not nearly subservient enough; not subservient at all, in fact. Richardson and Murchison and other members of their circle had assured them that Lyndon Johnson could “get things done” for them in Washington and that Johnson was not in reality the liberal he appeared to be, but before the first primary they had continued to give their support—their money, their influence over the votes of their employees—to Stevenson. Now, however, feeling betrayed by Coke (“He’ll vote to repeal that Act!”), they were more disposed to give it to Johnson. But, prudent, practical men that they were, and determined to exact the complete subservience of the candidate who received that support, they put a price on it. The price was that Lyndon Johnson should give a certain speech.

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If his total was impressive, his percentages were more so. In Duval County, Lyndon Johnson received 99 percent of the vote; in the six counties of George Parr's domain combined, he received 93 percent. He was given 82 percent of the vote in Judge Raymond's Webb County. In the key Mexican-American and black sections of Corpus Christi, his percentage was 80 percent. In each of these areas, in other words, at least four out of every five voters voted for him. So he received a 35,000-vote plurality from areas in which the voting pattern was dramatically out of keeping with the normal patterns in a democracy. How much of that 35,000-vote edge can be said to have been "bought," either by payments to jefes and other political bosses who wrote down voting totals with little or no reference to the actual votes that had been cast, or by payments to bosses who rounded up men and women and made sure they voted as they were told to, or by payments to election judges who counted for Johnson votes that had actually been cast for Stevenson, or by payments to individual voters who voted in accordance with the payment they received, or by payments to deputy sheriffs who transported to the polls and directed the voting of men and women who did not even know whom they were voting for—how many of those votes were "bought" and how many would have been cast for Lyndon Johnson even had no money changed hands cannot, after forty years, be determined. But from the descriptions given by men familiar with the voting in the Valley and on the West Side that Election Day in 1948, it is apparent that the overwhelming majority of those votes—not merely thousands of votes but tens of thousands—fall into that category. The dramatic disparity between the returns

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THE ELECTION BUREAU closed at 1:30 a.m. Lady Bird begged Lyndon to get some sleep; he went into the bedroom and changed into pajamas, but a few minutes later he burst out, his hair as wild as his eyes. He spent the night in the little paneled den of the Dillman Street house, still in his pajamas, pacing back and forth or sprawled across the day-bed, and a telephone was always in his hand. In the Brown Building, Alvin Wirtz and Everett Looney were telephoning, too. Ed Clark was calling from his home. Lyndon Johnson had tried to buy a state, and, although he had paid the highest price in Texas history, he had failed. So now he was trying to steal it. The telephone calls were to local Johnson

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GROCE WAS WRONG. On October 5, the Supreme Court refused to hear Coke Stevenson's petition that it consider Black's stay of the injunction. On January 31, 1949, the Court rejected Stevenson's petition for a trial on the merits of the case. The hearing Judge Davidson had ordered would never be resumed. The remaining ballot boxes were never to be opened. The testimony of the witnesses who filed out of the Alice Courthouse—and out of the Courthouses in Duval and Zapata counties—without being heard was never to be heard. The federal courts' investigation of Lyndon Johnson's 1948 senatorial victory was over. Definitive proof that the decisive two hundred Box 13 "votes" had not been cast was never to be obtained. Proof that thousands of other votes from the Rio Grande Valley—votes indispensable to Johnson's election—were not votes at all but merely numbers written on a tally sheet by border-county jefes would never be obtained. Evidence that some of these votes were "cast" by dead men would never be presented in a court of law. Abe Fortas' strategy had worked with only a few minutes to spare. But it had worked.

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All other investigations were, in effect, over, too. Stevenson asked the Justice Department and the FBI to investigate the election. Attorney General Tom Clark agreed to do so, but the investigation showed, as one analysis put it, "a notable lack of investigative and prosecutorial vigor." An historian has written: "The FBI investigation ... disappeared without a trace." Attempts by Stevenson partisans to interest the FBI and Justice Department more deeply in the case resulted only in "a fancy dance without a serious investigation"—as was also the case with a pro forma Senate investigation of the Texas senatorial election. After Lyndon Johnson easily defeated Republican Jack Porter in the November election, he was seated in the Senate.

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Over and over again, he had stretched the rules of the game to their breaking point, and then had broken them, pushing deeper into the ethical and legal no-man's-land beyond them than others were willing to go. Now, in 1948, in his dealings with the Valley, he was operating beyond the loosest boundaries of prevailing custom and political morality. What had been demonstrated before was now underlined in the strongest terms: in the context of the politics that was his life, Lyndon Johnson would do whatever was necessary to win. Even in terms of a most elastic political morality—the political morality of 1940s Texas—his methods were amoral.

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COKE STEVENSON and Lyndon Johnson never saw each other again. Stevenson's hatred and contempt for Johnson never faded, and occasionally it would surface. Asked once, during Johnson's 1964 campaign for the presidency, to evaluate him, he said, after a long pause: "Well, of course, he is a very, how should I say, skillful politician," and dropped the subject except to say that he himself would vote for Goldwater. "I've been waiting a long time to see a turn toward conservatism." Those who knew him well knew there were still scars from the 1948 campaign.
